



## Togo

### Country Reports on Human Rights Practices - [2000](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
February 23, 2001

Togo is a republic dominated by President General Gnassingbe Eyadema, who has ruled since 1967, when he came to power in a military coup. Although opposition political parties were legalized following widespread protests in 1991, Eyadema and his Rally of the Togolese People (RPT), strongly backed by the armed forces, have continued to dominate the exercise of political power. Eyadema used his entrenched position to repress genuine opposition and to secure another 5-year term in an election held in June 1998, which, like previous multiparty elections, was marred by systematic fraud. Serious irregularities in the Government's conduct of the election strongly favored the incumbent and appear to have affected the outcome materially. Despite the Government's professed intention to move from authoritarian rule to democracy, institutions established ostensibly to accomplish this transition did not do so in practice. However, on April 5, the President promulgated a new Electoral Code, which was drafted by the RPT-controlled Government in consultation with opposition parties. The Electoral Code establishes an Independent Electoral Commission (CENI), composed of 20 members, 10 from the President's RPT party and 10 drawn from opposition parties. The CENI is intended to monitor, collect, tally, and announce the results of the next legislative elections. In the March 1999 legislative elections, which were boycotted by the opposition, the RPT won 79 of the 81 seats in the National Assembly, and the elections were marred by procedural problems and significant fraud, particularly the misrepresentation of voter turnout. In July 1999, President Eyadema promised new legislative elections in March; however, such elections were not held by year's end. Eyadema and his supporters maintain firm control over all facets and levels of the country's highly centralized Government and have perpetuated the dominance of northern ethnic groups, including Eyadema's Kabye ethnic minority, throughout the public sector, especially the military. The executive branch continues to influence the judiciary.

The security forces consist of the army (including the elite Presidential Guard), navy, air force, the Surete Nationale (including the national police), and the Gendarmerie. Approximately 90 percent of the army's officers and 70 percent of its soldiers are from the Kabye ethnic minority. Although the Minister of the Interior is in charge of the national police, and the Defense Minister has authority over most other security forces, all security forces effectively are controlled by President Eyadema. Members of the security forces continued to commit serious human rights abuses.

Approximately 80 percent of the country's estimated population of 5 million is engaged in subsistence agriculture, but there is also an active commercial sector. The main exports are phosphates, cotton, and cocoa, which are the leading sources of foreign exchange. Per capita gross domestic product remains less than \$400 a year. Economic growth continues to lag behind population growth. The economy is impeded by a large and inefficient state-owned sector, high (although drastically reduced) spending on the security forces, widespread corruption, and lack of Government budget and fiscal discipline. Most major bilateral donors have suspended their aid due to the Government's weak democratization efforts and poor human rights record. Several international financial institutions also halted budgetary assistance to the Government.

The Government's human rights record remained poor; although there were a few improvements in a few areas, serious problems remain. Citizens' right to change their government is restricted. Unlike previous years, there were no confirmed reports of extrajudicial killings. Security forces committed beatings. The Government did not, in general, investigate or punish effectively those who committed abuses, nor did it prosecute openly those persons responsible for extrajudicial killings and disappearances in previous years. Prison conditions remained very harsh. Arbitrary arrest and detention was a problem, and prolonged pretrial detention was common, with prisoners often detained 6 to 7 months without being charged. The Government continued to influence the judiciary, which is understaffed and overburdened, and did not ensure defendants' rights to fair and expeditious trials. Security forces often infringed on citizens' privacy rights. The Government and the security forces restricted freedom of speech and of the press, often using investigative detention and

criminal libel prosecutions to harass journalists and political opponents. Laws were passed in January allowing for an extended imprisonment of journalists who write articles critical of the Government and its officers. The Government restricted academic freedom. The Government restricted freedom of assembly, association, and movement. The National Commission for Human Rights (CNDH) continued to be dominated by supporters of the President, and the Government restricted and impeded the work of independent human rights groups. Violence and societal discrimination against women remained a problem. Female genital mutilation (FGM) among some ethnic groups persisted; although there is a 1998 law that prohibits FGM, the Government enforced it rarely. Discrimination against ethnic minorities remained a problem. The Government limits workers' rights to collective bargaining. Trafficking in women for the purpose of forced prostitution and trafficking in children for forced labor remained problems.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

Unlike previous years, there were no confirmed reports of extrajudicial killings.

On March 27, an agitator reportedly paid by the Government was killed on the University of Benin campus in Lome during a confrontation between demonstrating students and a group of false student demonstrators paid by the Government to disrupt the demonstration (see Section 2.a.).

There were no developments in the October 1999 killing of a missionary in Lome. One soldier and one assailant were killed in an exchange of gunfire between police, military personnel, and the assailants.

There were no developments or arrests in the January 1999 case in which gendarmes raided the Akodessewa-Kpota shantytown neighborhood in Lome and set fires that reportedly killed two children.

An Amnesty International (AI) report issued in May 1999 stated that hundreds of bodies--presumably members of the opposition--were thrown into the sea around the time of the June 1998 presidential election (see Sections 1.b. and 4). The Government denied the charges and called for an international inquiry. In September the Government accepted a joint U.N./OAU commission to investigate allegations of hundreds of extrajudicial killings around the time of the 1998 presidential election. The U.N./OAU commission of inquiry visited the country in November to investigate these charges; the three-person commission met with the President and members of his cabinet, as well as with fishermen and farmers in the country and in Benin. Under the terms of the inquiry, the Government pledged not to retaliate against the witnesses. The commission is scheduled to release the results of its investigation in early 2001 (see Section 4).

There was no development in the August 1998 killing of Liman Doumougue, Deputy Secretary General of the National Association of Independent Unions of Togo (UNSI), a pro-opposition labor federation. In May 1999, UNSI wrote a letter to President Eyadema requesting an independent investigation into the killing; however, the Government did not respond. The September 1998 killing of Koffi Mathieu Kegbe, a local activist in the opposition Action for Renewal Committee (CAR) party, was still under investigation at year's end. There were no developments in the 1998 killings of the Togolese Human Rights League founding member Dr. Tona Pierre Adigo and businessman Malou Borozi. There has been no public investigation into the June 1998 killing of the child, Ayele Akakpo. The Government claims that the August 1998 attack on Union of Forces for Change (UFC) Secretary-General Fabre's residence was carried out by coup plotters from Ghana.

#### b. Disappearance

There were no reports of politically motivated disappearances during the year.

An AI report issued in May 1999 reported that hundreds of bodies--presumably those of opposition members--were thrown into the sea around the time of the June 1998 presidential election (see Sections 1.a. and 4). According to AI, the corpses were found and buried by Beninese fishermen. The Government strongly denied the accusations and initiated legal proceedings against AI in 1999; however, it has not pursued the charges. The independent Benin Human Rights League reported that bodies were dropped along the coastal waters by military aircraft, although other official sources in Benin denied that this event happened. In September a U.N./OAU commission arrived to investigate those charges and other alleged disappearances.

AI also reported that on August 20, 1998, two young men, Komlan Edoh and Kodjo Kouni, were beaten and

arrested by security forces in a northwest suburb of Lome, then taken to a nearby military camp, after which they disappeared. There were no further developments in the case during the year.

There was no investigation into the mass burials of 1997 and 1998 reportedly in the vicinity of Lome.

There were no developments in the 1994 disappearance of David Bruce, a high-level Foreign Ministry employee sympathetic to the opposition, which remained under investigation by the Government.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and physical abuse of prisoners and detainees; however, security forces often beat detainees immediately after arresting them. Some suspects have claimed credibly to have been beaten, burned, or denied access to food and medical attention.

Security forces harassed, intimidated, and beat journalists (see Section 2.a.).

Security forces used tear gas and batons to disperse demonstrators forcibly (see Section 2.b.). On January 12, police forcibly dispersed opposition party demonstrators using tear gas and truncheons, inflicting minor injuries (cuts and bruises) on the demonstrators (see Section 2.b.). On July 6, security forces forcibly dispersed a UFC rally and beat several demonstrators (see Section 2.b.). Although several protestors were detained briefly, the Government did not press charges; no action was taken against the security forces.

On February 17, students demonstrated in protest of the selection of the president of an independent student organization; government security forces dispersed the demonstrators with truncheons and tear gas; some students suffered cuts and bruises (see Section 2.a.).

Impunity remains a problem, and the Government did not publicly prosecute any officials for these abuses.

An Angolan diplomat accredited to Benin and Togo was arrested and allegedly tortured in November 1999 for allegedly attempting to kidnap one of Jonas Savimbi's children. The diplomat was released quickly and deported immediately; the Government took no action on the allegations of torture.

There was neither investigation into nor action taken on the 1999 case in which security forces reportedly tortured a human rights monitor. There was no investigation into nor action taken in the August 1999 case in which five young men, who traveled from Lome to Kara to hold discussions on the Lome Framework Agreement, said that they were detained and beaten on two occasions by police, gendarmes, and military personnel in Kara. Authorities maintained that their wounds resulted when they resisted arrest. There was no investigation into nor action taken in the May 1999 case in which security forces allegedly beat and tortured Ameen Ayodele, a member of the Nigerian section of AI (see Section 4). There was no investigation into nor action taken in the March 1999 case in which security forces in Lome beat university student Gerard Amedjro and a female friend, allegedly after the latter refused to undress for them.

Prison conditions reportedly remained very harsh, with serious overcrowding, poor sanitation, and unhealthy food. Lome's central prison, built for 350 prisoners, reportedly housed 1,500 inmates or more during the year. Medical facilities are inadequate, and disease and drug abuse are widespread. Despite these problems, for the fourth consecutive year there were no reported deaths of prisoners due to disease or inadequate medical facilities. Prison guards in the overcrowded civil prison of Lome charge prisoners a small fee to shower, use the toilet, or have a place to sleep. Prisoners reportedly have to pay \$2.50 (CFA 1,500) to guards before being allowed to visit the infirmary if sick. The children of convicted adults often are incarcerated with the female inmates, who are housed separately from the male prisoners. Juvenile prisoners are held separately from adults.

In September a local NGO, the African Center for Democracy, Human Rights, and Protection of Detainees (CADEPROD), began to conduct a census of civilian prisons funded by a foreign Government. The study was proceeding at year's end.

Although some international and local private organizations have access to prisons for monitoring purposes, the International Committee of the Red Cross did not request a visit during the year. Following an October seminar on torture sponsored by the Togolese Human Rights League and attended by gendarmes, prison guards, and magistrates, the Justice Minister agreed to authorize a prison visit by the league's president accompanied by the prison director. However, after the prison tour on December 21, there was no change in the treatment of the prisoners.

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain problems. The law allows authorities to hold arrested persons incommunicado without charge for 48 hours, with an additional 48-hour extension in cases deemed serious or complex. In practice detainees can be, and often are, held without bail for lengthy periods with or without the approval of a judge. Family members and attorneys officially have access to a detainee after an initial 48- or 96-hour detention period; however, authorities often delay, and sometimes deny, access.

Judges or senior police officials issue warrants. Although detainees have the right to be informed of the charges against them, police sometimes ignore this right. The law stipulates that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail. However, a shortage of judges and other qualified personnel, plus official inaction, have resulted in lengthy pretrial detention--in some cases several years--and confinement of prisoners for periods exceeding the time they would have had to serve if they had been tried and convicted. For example, Kokou Alowou and Dela Atidepe were arrested in 1993, charged with armed robbery and manslaughter, and were still awaiting trial at year's end. An estimated 50 percent of the prison population is pretrial detainees.

The Government continued to use brief investigative detentions of less than 48 hours to harass and intimidate opposition activists and journalists for alleged defamation of Government officials (see Section 2.a.). On February 24, security forces arrested seven members of the opposition UFC party, the day after a confrontation between UFC and RPT party members; no RPT members were arrested. After many delays during which time some of the UFC members remained in detention, they were tried in August; two were acquitted and five others were convicted of disturbing the peace and destroying public property. They received jail sentences of 2 to 6 months and were ordered to pay a \$700 (CFA 500,000) fine. On July 31 and August 1, Kofi Messa Devotsu of the LTDH was questioned and threatened with arrest by the Minister of the Interior after the LTDH published a report on July 20 that was critical of human rights in the country (see Section 4). A number of independent journalists also were questioned at the same time for publishing articles on the LTDH report. The Government at times has resorted to false charges of common crimes to arrest, detain, and intimidate opponents.

Members of the security forces arrested and detained journalists without charging them with any offense (see Section 2.a.).

Members of the security forces detained human rights monitors and activists (see Sections 2.b. and 4).

On December 23, 1999, authorities arrested Roland Comlan Kpagli, publisher of L'Aurore newspaper on charges of reporting false information (see Section 2.a.). In response to international pressure, he was not tried, was never charged officially, and was finally released on February 4. On January 28, authorities arrested Norbert Gbikpi-Benissan of the UNSIT teachers' union and Allagua Odegui, Secretary General of the FETRAN/UNSIT, for allegedly providing false information to Kpagli for the article that prompted his arrest. International pressure resulted in their release within a month.

In November 1999, security forces arrested and allegedly tortured an Angolan diplomat for allegedly attempting to kidnap one of Jonas Savimbi's children (see Section 1.c.). He was released subsequently and immediately deported.

The status of UFC activist Abevi Abbey, detained by security forces in April 1999 for distributing leaflets that urged the public to participate in UFC-sponsored Independence Day demonstrations, remains unknown. A domestic NGO believed that he had been released.

The Constitution prohibits exile, and the Government respects this prohibition; however, several opposition and human rights workers remain in self-imposed exile because they fear arrest.

For example, on March 8, several student opposition leaders were sentenced to 18-month jail terms for inciting riots on the campus of the University of Benin. Some students fled into self-imposed exile in Ghana before they could be arrested.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the executive branch continued to exert control over the judiciary. A majority of the members of the Supreme Council for the Magistrature are supporters of President Eyadema. Judges who belong to the pro-Eyadema Professional Association of Togo Magistrates (APMT) reportedly receive the most prestigious assignments, while judges who advocate an

independent judiciary and belong to the National Association of Magistrates (ANM) are marginalized.

The Constitutional Court stands at the apex of the court system. The civil judiciary system includes the Supreme Court, Sessions (Court of Assizes), and Appeals Courts. A military tribunal exists for crimes committed by security forces, but its proceedings are closed. In June 1999, when President Eyadema named a new cabinet, he appointed former Interior Minister General Seyi Memene to replace a civilian Justice Minister.

The court system remained overburdened and understaffed (see Section 1.d.). Magistrates, like most government employees, are not always paid on time. The judicial system employs both traditional law as well as the Napoleonic Code in trying criminal and civil cases. Trials are open to the public, and judicial procedures generally are respected. Defendants have the right to counsel and to appeal. The Bar Association provides attorneys for the indigent. Defendants may confront witnesses, present evidence, and enjoy a presumption of innocence. In rural areas, the village chief or council of elders may try minor criminal and civil cases. Those who reject the traditional ruling may take their cases to the regular court system, which is the starting point for cases in urban areas.

Impunity for those who commit abuses, particularly those close to Eyadema, remains a problem.

There were no reports of political prisoners. On March 11, 1999, the three remaining members of the opposition group MO5, arrested in 1994 and sentenced in 1996 to 5 to 7 years in prison, were freed. Although their crime appeared to have been politically motivated, the state prosecutor did not apply the December 1994 general amnesty law to this case and they remained in prison until their release in March 1999.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the sanctity of residences, the secrecy of correspondence and telecommunications, and prohibits searches and seizures not prescribed by law; however, security forces often infringed on these rights. In criminal cases, a judge or senior police official may authorize searches of private residences. In political and national security cases, the security forces need no prior authorization. Police conducted searches without warrants, searching for arms caches as well as for criminals, often under the guise of searching for identity cards. Armed security checkpoints exist throughout the country, and security forces regularly search vehicles, baggage, and individuals in the name of security (see Section 2.d.).

In May the Government stationed security guards around the home of former human rights Minister Harry Olympio and restricted his movements, ostensibly for his own protection following an attempt to kill him.

Citizens believe that the Government monitors telephones and correspondence, although this surveillance has not been confirmed. The police and Gendarmerie perform domestic intelligence functions. The Government maintains a system of informers on the university campus (see Section 2.a.).

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government restricts these rights in practice. The Government repeatedly harassed and intimidated print media journalists through threats, detentions, and criminal libel prosecutions. Police and gendarmes occasionally harassed newspaper vendors and confiscated issues of some opposition newspapers. Advertisers reportedly often were intimidated as well. Few opposition newspapers are distributed outside the Lome area, particularly in areas not known to be ruling party strongholds.

On January 4, the National Assembly adopted an amendment to the 1998 Press and Communication Code. Article 1 of the 1998 code declares that the media are free; most of the remaining 108 articles restrict media freedom. Article 62 makes the intentional publication of false information a criminal offense, punishable by fines of \$900 to \$1,800 (CFA 500,000 to 1 million). Articles 90 to 98 make defamation of state institutions or any member of certain classes of persons, including government officials, a crime punishable by imprisonment for up to 3 months and fines of up to \$4,000 (CFA 2 million). Article 89 makes it a crime, punishable by up to 3 months in prison for a second offense, to "offend the honor, dignity or esteem" of the President and other government leaders. The law also provides that editors and publishers, including legislators with parliamentary immunity, are liable for crimes committed through the press. The January amendment revised Article 89 to provide for 3- to 6-month jail terms for first offenders, who previously were subject only to 3-month suspended sentences. In practice first-time offenders were imprisoned in spite of the former article, which was changed to

conform to practice.

On August 10, the National Assembly passed a law further regulating journalism, which included a provision requiring that all journalists must have a journalism degree; however, there are no journalism programs offered in the country. Although a grandfather clause applies to those already active in journalism, observers believe that this law could be used to prevent persons seen as unsympathetic to the Government from becoming journalists. Although it is not necessary to be an accredited journalist to publish an editorial or opinion article, the Government may take reprisals if offended by published material, such as arresting or detaining the writer, or firing a civil servant.

Despite Government interference, there is a lively press, most of which is heavily politicized and some of which is often highly critical of President Eyadema. About 16 privately owned newspapers publish with some regularity. The only daily newspaper, Togo-Presse, is government-owned and controlled. A private Lome-based newspaper, Crocodile, publishes on a biweekly schedule.

There is no prepublication censorship of print media in law or practice; however, security forces frequently threatened or detained print media journalists and interfered with the distribution of newspapers.

On April 6, security forces seized copies of opposition newspaper Crocodile without explanation. Authorities seized the April 13 edition of L'Exile and detained editor Hippolyte Agboh after the newspaper published an article alleging the death of Eyadema's daughter in a late-night car accident. Agboh was released on June 16, just prior to the OAU summit in Lome; he was never charged and no further action was taken in the case. On June 5, security forces seized copies of the weekly newspaper Le Combat du Peuple. The newspaper's publisher, Lucien Messan, was charged with libel and fined more than \$900 (CFA 600,000). By year's end, no journalists remained in prison.

On July 31 and August 1, the Minister of the Interior questioned and threatened with arrest Kofi Messa Devotsu of the Togolese Human Rights League (LTDH) after the LTDH published a report on July 20 that was critical of human rights in the country (see Section 4). A number of independent journalists also were questioned at the same time for publishing articles on the LTDH report.

On December 23, 1999, Roland Comlan Kpagli, editor of L'Aurore, was arrested for publishing false news regarding the death of a schoolgirl during a police response to a student demonstration. Kpagli was released on February 4 without being charged.

At year's end, no further action had been taken in the case of Ame Kpeto, an army warrant officer who made critical statements about Government officials at a military assembly in 1998. In 1999 Kpeto was charged with slandering the honor of the army and transferred to the civil prison of Lome to await a civil trial.

Since newspapers and television are relatively expensive, radio is the most important medium of mass communication. In addition to two Government-owned stations including Radio Lome, there are more than 20 private radio stations in the country. Two of these, Radio Avenir and Galaxy FM, are associated with the ruling party.

Prior to the adoption of the 1998 Press Code, the Government did not permit private radio stations to broadcast news programming. Some private radio stations began in 1999 to broadcast some domestic news, but they offered little of the political commentary and criticism of the Government that is widespread in the print media. However, Radio France International is heard 24 hours a day through an FM repeater and Africa Numero-1 also has an FM repeater in Lome. In 1999 a private station, Kanal FM, became a foreign affiliate and carries several hours of news, music, and commentary daily.

The government-owned and controlled Television Togo is the only television station in Lome and in most of the country. In 1999 a small private television station began local broadcasts in Aneho with limited programming.

The Constitution mandates equal access to state media; however, the official media heavily slanted their content in favor of the President and the Government. The High Authority for Audio-Visual and Communications (HAAC) is charged with providing equal access to state media as mandated by the Constitution. Although it is nominally independent, in practice it operates as an arm of the Government. It is dominated by Eyadema supporters and has not increased opposition access to the Government-controlled media. An NGO, the Togolese Media Observatory (OTM), was established in November 1999 with the purpose to protect press freedom and to improve the professionalism of journalists. OTM's board and membership include both government and private journalists. During the year, it met regularly to discuss journalistic ethics and professional standards.

There were no reports that the Government restricted access to the Internet. There are about 15 Internet service providers in the country. Most Internet users are businesses rather than households. Access to the Internet and fax machines also is possible through many small stores and cafes in Lome and other cities.

At the country's sole university, academic freedom is constrained by concern among professors about potential harassment by the Government or antiopposition militants and the lack of a faculty-elected rector. Teachers' salaries and students' stipends rarely are paid on time. University faculty remained on strike over this issue until January, forcing classes to begin late and almost causing the cancellation of the school year. Opposition student groups reportedly are intimidated by an informer system that has led in the past to Government persecution. The only officially tolerated student groups, Haut Conseil des Movements Etudiants and Union General des Etudiants et Stagiaires du Togo, are pro-Eyadema. An independent student organization (CEUB) has had longstanding unofficial recognition, and its elected representatives have participated on university committees. However, in February students complained that board members bribed by the Government selected the newly elected CEUB president. On February 17, in response students demonstrated in protest of the selection of the president; government security forces dispersed the demonstrators with truncheons and tear gas; some students suffered cuts and bruises. There were credible reports that the Government used paid agitators to disrupt student demonstrations and provide a pretext for security forces to disperse demonstrators and arrest students. One Government agitator was killed on the university campus in March during a demonstration (see Section 1.a.), and CEUB leader Lorempo Lamboni went into hiding after being charged by the Government with responsibility for the events leading to this death; Lamboni remained in hiding at year's end. On March 8, several student opposition leaders were sentenced to 18-month jail terms for inciting riots on the campus of the University of Benin. During the year, some students fled into self-imposed exile in Ghana before they could be arrested.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides that citizens are free to assemble; however, the Government restricts this right in practice. Although opposition political parties sometimes were able to hold public meetings in Lome, authorities systematically interfered with the freedom of political opponents attempting to assemble in the central and northern regions. Government officials prohibited, and security forces forcibly dispersed, some public demonstrations critical of the Government.

On January 12, security forces using tear gas and truncheons forcibly dispersed a UFC march held in Lome to protest the January 13 Liberation Day holiday. There were credible reports that the Government used paid agitators to disrupt student demonstrations and provide a pretext for security forces to disperse demonstrators and arrest students. For example, on March 27, a student demonstration on the university campus was dispersed and a demonstrator was killed (see Sections 1.a. and 2.a.). On June 20, the Government banned all demonstrations prior to the OAU summit in early July. On July 6, immediately prior to the opening of the OAU ministerial meeting in Lome, security forces forcibly dispersed a UFC rally of approximately 200 persons that violated the government ban on demonstrations during this period; security forces beat several demonstrators. The demonstrators were seeking release of seven UFC members arrested in February (see Section 1.d.).

In December 1999, police arrested student union leaders and detained them for several days following a riot allegedly caused when security forces dispersed a student gathering at a Lome high school. Officials told the arrested students that they would be held responsible and rearrested for any demonstrations that occurred subsequently in Lome. They were released within a few days of their arrests and given 18-month suspended sentences.

In late August 1999, in Kara authorization was denied to organizers of an information meeting on the July 29 Framework Agreement on Democratic Transition in Togo; the organizers were arrested (see Section 1.c.); however, they were not charged and were released within a few days.

Under the Constitution, citizens have the right to organize associations and political parties; however, the Government restricted this right in practice. While political parties are able to elect officers and register, few opposition party offices and no pro-opposition newspapers operate in most towns in the central and northern regions.

There are many nongovernmental organizations (NGO's); they are required to register with the Government.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

New religious organizations are required to register with the Ministry of Interior, and scores of applications await adjudication; however, these groups appear to practice their faiths without hindrance. In the early 1990's, a number of new religious groups began to seek recognition. Cases of individuals who used religion as a cover for other activities also increased. At the same time, advocates for religious freedom demanded more tolerance and protection for persons of all faiths. At the urging of the Togolese Association for the Defense of Religious Liberty (ATDLR), which was founded in 1991, the Government adopted a more liberal approach to religious freedom; however, the Government concluded that the rise of cults and dubious religious associations was a problem. In 1995, the last year for which statistics are available, the Government recognized only 71 of the 198 groups that applied for official recognition during that year. It is believed that the others continued to operate in a clandestine fashion. These unregistered groups are mostly little known groups within the major religions.

The Constitution prohibits the establishment of political parties based on religion and states explicitly that "no political party should identify itself with a region, an ethnic group, or a religion," and this occurs in practice.

In January, for the second year in a row, the Catholic Church declined an invitation to participate in a "Day of National Liberation" service organized by the Government. The Catholic Church stated that it is inappropriate to hold a worship service in a government building. In 1999 the Government criticized the church for "not contributing to national reconciliation" but took no further action. In addition, under the leadership of the Archbishop of Lome, the Catholic Church continued to refrain from delivering political sermons praising President Eyadema.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government restricts these rights in practice. Armed security checkpoints and arbitrary searches of vehicles and individuals are common, and government security forces searched cars throughout the country. The lack of discipline of some soldiers manning roadblocks and their actions, such as frequent demands for bribes before allowing citizens to pass, impeded free movement within the country. In June the Government also declared that no old-model cars would be allowed on the roads during the July OAU summit. Downtown areas of Lome were blocked to all but official vehicles during the week of the Summit.

The Government eased its strict documentation requirements for citizens who apply for a new passport or a renewal. In the previous year, applicants were asked to provide an airline ticket, business documents, an invitation letter, a parental authorization letter (even for adults), proof of study grant for students, and a husband's permission for a married woman (see Section 5) in addition to normal identity papers. In 1997 the Government transferred the Passport Office from the police to the Gendarmerie, which falls under the Defense Ministry. The Government maintains that its intent was to take passport issuance away from corrupt police officials. Strict passport application requirements and a shortage of blank passports prevented or significantly hindered some citizens' travel abroad. However, in January a new machine-readable passport was introduced; delays for passports are a result of 2 years' deferred demand and the centralization of the passport-issuing authority. A national identity card can also be used for travel to other member countries of the Economic Community of West African States.

There is no law that provides for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

The Government provides first asylum. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and routinely accepts the decision of the UNHCR office located in Lome in determining refugee status. The UNHCR estimated at year's end that the country hosts 11,208 refugees from Ghana. Another 11,000 Ghanaian refugees live in villages in the northern part of the country and are not assisted by UNHCR. The UNHCR also estimated that 1,058 Togolese refugees still remained outside the country at year's end.

There were no reports of the forced return of persons to a country where they feared persecution.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their Government peacefully; however, the Government restricts this right in practice. In the June 1998 presidential election, as in virtually all previous elections since Eyadema seized power in 1967, the Government prevented citizens from exercising this right effectively. The Interior Ministry declared Eyadema the winner with 52 percent of the vote in the 1998 election; however, serious irregularities in the Government's conduct of the election strongly favored the incumbent and appear to have affected the outcome materially.



Although the Government did not obstruct the functioning of political opponents openly, the President used the strength of the military and his government allies to intimidate and harass citizens and opposition groups. The Government and the State remained highly centralized. President Eyadema's national Government appointed the officials and controlled the budgets of all subnational government entities including prefectures and municipalities, and influenced the selection of traditional chiefs.

The second multiparty legislative elections of Eyadema's 33-year rule were held on March 21, 1999. However, the opposition boycotted the election, in which the ruling party won 79 of the 81 seats in the National Assembly. The two remaining seats went to candidates from little-known independent parties. The legislative elections were marred by procedural problems and significant fraud, particularly misrepresentation of voter turnout.

The opposition set several conditions before it would take part in the 1999 legislative elections. Chief among them was a settlement of the dispute over the seriously flawed June 1998 presidential election in which the vote count was stopped and President Eyadema declared the winner by the Interior Minister. Under international pressure, the Government began preliminary discussions with the opposition which, according to an agreement reached in December 1998, were to be followed by formal negotiations, in the presence of international facilitators. When the parties disagreed over UFC insistence that formal negotiations occur outside of the country, the Government scheduled a first round of legislative elections on March 7, 1999 and a runoff on March 21, 1999. The Government argued that the mandate of the outgoing legislature expired in March 1999 and that elections had to be held to avoid a constitutional vacuum. When the opposition did not register candidates, the Government proposed a 2-week postponement; however, the opposition parties maintained their position in favor of a boycott. The elections proceeded and virtually the only candidates to run were those from the RPT.

In February 1999, the Council of Ministers passed a decree requiring security forces to vote 3 days before the general population, and some 15,000 military, gendarmes, police, customs officials, and firemen voted on March 18, 1999. Opposition party members of the National Electoral Commission stated that the special voting procedures for security forces violated the Electoral Code because they occurred before the end of campaigning, and that the vote count occurred 72 hours after the vote instead of immediately afterwards. According to the Government, about 65 percent of the population participated in the legislative elections while the opposition stated that the figure could not be more than 10 percent. The progovernment National Electoral Commission, absent the commission's opposition party members (who also boycotted the process), reported that turnout reached about 37 percent in the opposition stronghold of Ave, and as much as 95 percent in Kozah prefecture in the north, where the ruling party has greater support. The opposition took no part in the revision of voter rolls, the distribution of voter cards, the monitoring of the vote, and the counting of the ballots. National election observer organizations did not participate, and international observation was sporadic.

The Government invited a few international observers to comment on the organization and management of the election; however, there were no independent observers present when the military voted on March 18, 1999. Even though RPT candidates ran unopposed in most districts, there were reports of intimidation and evidence of fraud to boost statistics on voter participation in what were essentially one-party elections. For example, in Tchaoudjo, where voting started at 6 a.m., polling place officials did not allow delegates of an independent party to participate in the supervision work until 9 a.m.; these delegates watched ballot boxes being stuffed. In Agou independent party delegates claimed that they saw individuals voting more than 10 times. Foreign diplomats observed voting at close to 200 polling stations, mainly in and around Lome, but also in Yoto prefecture. Turnout was below the levels reflected in official results for most of these locations.

On April 9, 1999, the Constitutional Court confirmed that of the 2,412,027 registered voters, 1,592,661 voted, for a turnout of 66 percent. The court rejected a dozen complaints and annulled the results in two districts; however, new elections were never held in these districts and the districts remained unrepresented at year's end.

The National Assembly has little authority or influence on President Eyadema and has limited influence on the Government. Aside from controlling its own programs and activities and its ability to request amendments, the National Assembly largely endorses the proposals of the President and the Government.

After the 1999 legislative election, the Government announced that it would continue to pursue dialog with the opposition. In May 1999, 2 months after the election, President Eyadema nominated a new Prime Minister, Eugene Koffi Adoboli, a former U.N. official who was not a member of the ruling party. In August the National Assembly unanimously passed a no-confidence vote against Adoboli and his 14-month-old Government; he resigned 2 days later. On August 29, the President appointed the former president of the National Assembly, Agbeyome Kodjo, a former Interior Minister and RPT supporter as the new prime minister. In September the National Assembly, in a secret ballot with just one candidate running, voted to elect former National Assembly first Vice President Fambare Natchaba to replace Kodjo as president of the National Assembly. The vote was

close, 51-23, but most observers agreed that this was due more to a dislike of Natchaba than to a rebuke of the President's apparent choice for the job since the President's party controls all but two seats in the National Assembly.

In June 1999, the RPT and opposition parties met in Paris, in the presence of facilitators representing France, Germany, the European Union, and La Francophonie, to agree on security measures for formal negotiations in Lome. In July 1999, the Government and the opposition began a dialog, and on July 29, 1999, all sides signed an accord called the "Lome Framework Agreement," which included a pledge by President Eyadema that he would respect the Constitution and not seek another term as president after his current one expires in 2003. The accord also called for the negotiation of a legal status for opposition leaders, as well as for former heads of state (such as their immunity from prosecution for acts in office), although at year's end only the former had been considered. In addition the accord addressed the rights and duties of political parties and the media, the safe return of refugees, and the security of all citizens. The accord also contained a provision for compensating victims of political violence. The President also agreed to dissolve the National Assembly in March and hold new legislative elections, which would be supervised by an independent national election commission and which would use the single-ballot method to protect against some of the abuses of past elections. However, the March date passed without presidential action, and new legislative elections had yet to be held at year's end.

As called for in the Lome Framework Agreement, a Joint Implementation Committee (JIC) began meeting on August 10, 1999 to implement the agreement's provisions. In December 1999, the JIC sent new Electoral Code legislation to the Government establishing the new CENI. On April 5, the President signed into law a new Electoral Code that established the Independent Electoral Commission (CENI), which is composed of 10 members of the President's RPT party and 10 members of the opposition. Most opposition parties accepted the new Electoral Code. On July 22, the CENI selected Artheme Ahoomey-Zunu, a member of the opposition Pan-African Patriotic Convergence Party CPP